

REFERENCE: P/21/118/OUT

APPLICANT: Castell Construction Ltd: 10 Gloucester Road, Newport NP19 7EG

LOCATION: Land at Minffrwd Close, Pencoed CF35 6SE

PROPOSAL: Construction of 4 detached houses including external areas and parking

RECEIVED: 16 February 2021

BACKGROUND

This application was presented to the Development Control Committee at the meeting held on 6 October 2022. Members resolved that planning permission be granted subject to the applicant entering into a S106 agreement to:

- Provide a minimum of 20% of the units as affordable housing with the type of unit(s), location within the site and affordable tenure to be agreed by the Council or a financial contribution towards off-site provision of affordable dwellings to an equivalent value.
- Provide a financial contribution of £4,156 on the commencement of development towards the provision/upgrading of children's play space and outdoor sports facilities in the vicinity of the application site.

The applicant was requested to agree the terms of the S106 agreement and the draft planning conditions and to provide details of the Solicitor acting on their behalf in the drafting of the agreement. In response, the Managing Director of Castell Construction confirmed that the requirements of the agreement would render the development unviable and seeks that the permission be issued without any S106 obligations. A Viability Appraisal has been submitted in support of the application which will be considered in the later sections of this report.

APPLICATION/SITE DESCRIPTION

Outline planning consent is sought for the construction of 4 detached dwellings on 0.2 hectares of land, roughly rectangular in form, located between Minffrwd Road and Minffrwd Close, Pencoed. All matters of detail, apart from the means of access and layout, have been reserved for future consideration.

The site has a long planning history, dating back to a 1968 permission for the development of the whole estate. In 1992, the former Authority rejected an application for 8 dormer bungalows on the site on the basis of its impact on the character of the area and the inadequacies of the road network to serve the development.

The decision was reversed at appeal with the Inspector confirming that the development would not harm the character and appearance of the immediate residential surroundings. The Inspector was also not convinced that the extra traffic generated by the development would create inconvenience and danger to road users. A series of planning applications have followed that decision with various iterations of layouts ranging from 8 two-bedroom semi-detached bungalows in 2000 to 8 two storey dwellinghouses in 2006. In 2013, planning permission was granted for the erection of 4 detached dwellings. No works were commenced and the consent has expired.

The site layout plan, as amended confirms that the four detached dwellings will be positioned centrally, fronting Minffrwd Road.



Figure 1 – Site Layout Plan

Plots 2, 3 and 4 of the proposed development will have driveways and direct access onto Minffrwd Road whilst Plot 1 will have pedestrian access to the front but vehicular access to the rear off the unmade road that forms the Close. Proposed improvements and widening along Minffrwd Road are detailed on the layout plan as part of the access works and will include a 1.8m wide footway on the development side as well as limited works to the junction with Minffrwd Close (new junction radii with kerbing on the southern side and a permanent road surface for the first 10m). A small layby facility will serve Plot 1 to cater for calling vehicles. The application does not propose to upgrade Minffrwd Close apart from the junction but does retain the required highway widths and turning area.

Where scale is a Reserved Matter, the application must state the upper and lower limits for the height, width and length of the dwelling. The submitted plans indicate dwellings with a similar footprint and maximum dimensions of 10m x 8m with a side attached garage measuring 3m x 6m. Two storey houses are proposed with the height parameters ranging from 5m to 5.2m at eaves level and between 8.6m and 9.7m to the ridge.

The application details confirm that surface water will be disposed of through a sustainable drainage system although no details have been provided at this stage. Foul water will be disposed of to the main sewer.

A series of Transport Technical Notes, Active Travel Audits and plans proposing off-site highway works to improve pedestrian infrastructure on Minffrwd Road have also been submitted in support of the application.

An Ecology Walkover Report accompanied the original submission, confirming the site to be of low ecological value with there being no impact on arboriculture, bats, badgers and reptiles. The potential low impact on a small number of commoner birds could be negated through new planting, bird boxes etc.

RELEVANT HISTORY

Application Reference	Description	Decision	Date
P/06/292/FUL	8 semi-detached two storey dwellings and associated highway works	Conditional Consent	26 January 2007
P/12/46/RLX	Relax standard condition of p/06/292/ful to permit the period of approval for further 5 years	Conditional Consent	18 July 2014
P/13/80/FUL	Erection of 4 detached houses	Conditional Consent	18 October 2013
P/17/512/RLX	Remove conditions 8 & 9 of P/13/80/FUL which both relate to Code for Sustainable Homes	Conditional Consent	14 July 2017
P/21/117/OUT	Outline application for the construction of 4 detached houses including external areas and parking.	Application Withdrawn.	21 February 2022

CONSULTATION RESPONSES

CONSULTEE

Cllr Alex Williams (Local Member)

COMMENTS

Requests that the application be referred to committee for determination, due to residents' ongoing concerns. The focus is on highway safety; traffic; parking; nature conservation; and the adoption/resurfacing of Minffrwd Close.

Opposition to the proposed developments include loss of privacy and that the new development would be in close proximity and overlook existing properties

From a nature conservation perspective, there are concerns about the destruction of a habitat teeming with wildlife including small mammals, nesting birds, insects, flora and fauna. Residents believe that there is a moral obligation to protect these areas of biological diversity.

Residents believe that the conditions which were imposed on previous planning application (P/13/80/FUL) should be applied to any future planning application.

With regards to traffic and highway safety, residents suggest that the development will significantly increase traffic along a single-track road which is not designed for the amount of foot or vehicular traffic that already exists, especially since the development of Clos Penglyn that have this as their only access road. Residents contend that this will increase the level of danger for pedestrians as there are no pavements along this stretch of Minffrwd Road, and the road narrows to single track in several places.

Furthermore, the junction of Pentwyn Rd and Minffrwd Rd is notoriously dangerous already, and any increased traffic to the area will only increase this potential risk.

Parking within the area is already over capacity.

One resident is concerned that increased road traffic, particularly of heavy goods vehicles and plant for the construction of the dwellings, will have a negative effect on the structural integrity of

their boundary wall and potentially result in structural damage to their house.

Other residents have referred to the potential increase in noise pollution and air pollution as a result of the construction of these dwellings.

Residents are concerned about the speed of vehicles along this stretch of road and would like to see a traffic survey undertaken to assess the speed and quantity of traffic.

Residents note that Minffrwd Close should be a better state of repair and that the current road would not cope with the extra traffic which any development would bring. Residents have asked whether Minffrwd Close will be adopted by BCBC and repaired as a result of this planning application.

Finally, residents would like an assessment of whether or not the drainage system in the area is fit for purpose to accommodate further dwellings.

Pencoed Town Council

Noted that this site has been the subject of previous consents which have never materialised.

Potential that the site is an over commitment and perhaps should benefit from a more sympathetic scheme.

Already received comments/objections from residents

Access to the proposed site is via a Private unadopted road i.e., Minffrwd Close

Access to the site via Minffrwd Road is very narrow allowing one way traffic

Potential increase in traffic over Penprysg Bridge

Will this application if granted be subject to 106 monies? If so, the Town Council would want some input.

**Transportation Officer
(Highways)**

No objection subject to conditions.

Land Drainage

No objection subject to conditions.

Dwr Cymru/Welsh Water

No objection subject to conditions.

**Biodiversity Policy and
Management Officer**

No objection subject to conditions.

Natural Resources Wales

No comments received.

REPRESENTATIONS RECEIVED

The application has been advertised on site. Neighbours have been notified of the receipt of the application and the subsequent submission of amended plans. The period allowed for response to consultations/publicity has expired.

Letters of objection have been received from the following properties:

34, 36, 38, 40, Minffrwd Road
6, 7, 8, 10, 11 Minffrwd Close
4, 6A, 8, 10, 10A, 12, 14, 14A Pentwyn Road

The following is a summary of the objections received:

Principle of the development: loss of green space, no requirement for additional housing, lack of infrastructure to support development, (school places, capacity in doctors and dentists etc)

Highway Safety: Minffrwd Road is too narrow to facilitate access to new dwellings – two cars are unable to pass – road cannot cope with existing levels of traffic – development will increase conflict between vehicles and pedestrians, including children walking to school – there are no footways - the planned footpath is not good enough – development will result in vehicles reversing onto a substandard road where traffic speeds exceed the limit - historically direct access onto Minffrwd Road was rejected - visibility is poor as you climb the hill on Minffrwd Road – there are blind spots. Development will exacerbate parking problems with visitors to the new housing parking on-street – could restrict access for emergency vehicles. Layout does not provide adequate parking. Site is poorly served by public transport (bus services have been reduced) and there is a lack of safe routes to facilities for cyclists and pedestrians. The scheme fails to deliver improvements to Minffrwd Close other than at the junction – Minffrwd Close will become the ‘back-street’ – new occupants will make back entrances onto close and will use substandard road – not surface.

Residents have also commented on the Technical Notes that have been submitted by the applicant’s Transport Consultant suggesting that the information is inaccurate. The report which suggests that the lack of footways does not deter pedestrians from using the road and encourages drivers to travel at lower speeds is not accepted. In the view of residents, vehicles travel too fast. The road dimensions in the Lime Transport report are also considered to be inaccurate.

Housing will detract from the character of the area and the living conditions of residents: the dwellings proposed are completely out of character with the surrounding - the land provides a buffer between existing housing – it provides privacy – new dwellings will overlook and overshadow existing properties – concern that affordable housing could result in an increase in crime rates – noise from additional traffic

Unacceptable impacts on biodiversity interests on site: loss of vegetation is a loss of habitat for birds, reptiles etc. – there is a haven for wildlife such as green and gold finches - survey work is inadequate

The acceptability of site drainage to serve the development - are the drainage systems (foul) able to cope with additional development

COMMENTS ON REPRESENTATIONS RECEIVED

Many of the objections offered by residents coincide with the main considerations in the assessment of the application and will accordingly be addressed in the appraisal section of the report.

A number of issues which are more minor and/or are not material to the determination of the application are considered below:

It is a requirement of local policy that affordable housing should be provided as part of any new housing development – see Policy COM5 below. The suggestion by some residents that the tenure of housing will affect rates of crime is unsubstantiated and is not material to the determination of this application

Avoiding or minimising noise pollution is a requirement of both local and national policy and some concerns have been expressed regarding noise associated with construction and traffic levels from the completed development. A condition will be imposed requiring the submission of a construction management plan to control the development in the interests of the living conditions of residents and highway safety. Whilst vehicle movements will increase as a consequence of the development, the impact from traffic noise given the scale of the development will be limited.

RELEVANT POLICIES

Local Policies

The Bridgend Local Development Plan 2006-2021 (LDP) was formally adopted by the Council in September 2013, within which the following policies and supplementary planning guidance are relevant:

Policy PLA1	Settlement Hierarchy and Urban Management
Policy SP2	Design and Sustainable Place Making
Policy SP3	Strategic Transport Planning Principles
Policy PLA11	Parking Standards
Policy SP4	Conservation and Enhancement of the Natural Environment
Policy ENV5	Green Infrastructure
Policy ENV6	Nature Conservation
Policy ENV7	Natural Resource Protection and Public Health
Policy COM3	Residential Re-use of a Building or Land
Policy COM4	Residential Density – development will be built at a density of at least 35 dwellings per hectare
Policy COM5	Affordable Housing – on sites capable of accommodating 5 or more dwellings – sites will deliver 20% affordable housing
Policy COM11	Provision of Outdoor Recreation Facilities
Policy SP14	Infrastructure

Supplementary Planning Guidance 5	Outdoor Recreation Facilities and New Housing Development
Supplementary Planning Guidance 17	Parking Standards
Supplementary Planning Guidance 19	Biodiversity & Development

National Policies

In the determination of a planning application regard should also be given to the requirements of National Planning Policy, which are not duplicated in the Local Development Plan. The following Welsh Government Planning Policy is relevant to the determination of this planning application:

Future Wales – the National Plan 2040

Planning Policy Wales Edition 11	
Planning Policy Wales TAN 5	Nature Conservation and Planning
Planning Policy Wales TAN 12	Design
Planning Policy Wales TAN 18	Transport
Planning Policy Wales TAN 23	Economic Development

WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015

The Well-being of Future Generations Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without comprising the ability of future generations to meet their own needs (Section 5).

The well-being goals identified in the act are:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language

- A globally responsible Wales

The duty has been considered in the assessment of this application. It is considered that there would be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of the proposed development.

THE SOCIO-ECONOMIC DUTY

The Socio-Economic Duty (under Part 1, Section 1 of the Equality Act 2010) which came in to force on 31 March 2021, has the overall aim of delivering better outcomes for those who experience socio-economic disadvantage and whilst this is not a strategic decision, the duty has been considered in the assessment of this application.

APPRAISAL

The application is referred to the Development Control Committee for determination in response to the request from the Local Member and in view of the number of material objections received from residents and the Town Council.

The main considerations in the assessment of this application relate to the following:

- The principle of residential development in this location
- The design and layout of the development and the potential impact on the living conditions and future well-being of adjacent residents and the future occupiers of the proposed housing
- The potential implications of the development on the surrounding highway network, highway safety and whether sufficient parking facilities can/are being provided,
- The impact of the scheme on the natural environment
- The drainage of the site, and
- Whether contributions need to be secured through a Section 106 Legal Agreement to mitigate the impact of the development and to comply with policy.

The Principle of the Development in this location

The application site is located within the main settlement of Pencoed as defined by Policy PLA1 of the Bridgend Local Development Plan 2013 (LDP). Policy COM3 confirms that residential developments on 'small scale' sites such as this will be permitted where no other LDP Policy protects the building on land for an existing or alternative use.

The objectors claim about the loss of green space and there being no requirement for additional housing are not justified in this case. The site has no formal designation and is not regarded as protected green space. It forms a vacant parcel of land that has a history of planning consents for housing. The site is not allocated for a specific use and therefore, residential development would be acceptable in principle subject to other LDP Policies.

Concerns about a lack of infrastructure to support this development have been considered but given the scale (4 units) it does not pass the threshold requiring a contribution to education facilities. The availability of doctors and dentists to serve an increasing population is a cause for concern on many applications for new housing. The availability for health facilities goes beyond the scope and control of the Local Planning Authority and is a matter for Welsh Government and the Health Trusts. Given the scale of the development proposed, the impacts are unlikely to be significant.

The publication of Planning Policy Wales in February 2021 established the role of the planning system in promoting and supporting the delivery of the Active Travel Act, requiring such provision to be an essential component of development schemes. The lack of continuous footways serving the site (linking to public transport and wider services) has been the subject of discussions and negotiations with the applicants. An Active Travel Walking Route Assessment has been undertaken in accordance with the Walking Route Audit Toolkit outlined in the Active Travel Act Guidance (July 2021). The results of this survey along with proposal to improve the connections through new signage and the provision of designated pedestrianised zones on Pentwyn Road and Minffrwd Road has to some extent negated the initial concerns about Active Travel connections.

Based on the audit and highway improvements that can be secured through the consent, any policy objection to the principle of this site being developed for housing would be difficult to sustain at appeal. It should also be noted that the site is located within the settlement of Pencoed and has a history of consents for similar and larger developments.

The design and layout of the development and the potential impact on the living conditions and future well-being of adjacent residents and the future occupiers of the proposed housing

National policy confirms that new housing developments should be well integrated with and connected to the existing pattern of settlements. In determining applications for new housing, Local Planning Authorities should ensure that the proposed development does not damage an area's character and amenity. Increases in density help to conserve land resources and good design can overcome adverse effects but where high densities are proposed, the amenity of the scheme and surrounding property should be carefully considered. At a local level, Policy SP2 requires all development to respect and enhance local character whilst also protecting the amenities of existing residents.

Objectors have suggested that the development is completely out of character with its surroundings. This may indeed have been the case for the withdrawn application for 10 units which included a flatted complex and an earlier layout which proposed the dwellings perpendicular to Minffrwd Road and Close. The proposed layout follows the general pattern of development in the area with the scale of units (two storey) similar to those on Minffrwd Road. The area has a mix of house designs and scales and to suggest that the design is completely out of character is unjustified. It should be noted that this layout is almost identical to that approved under P/13/80/FUL.

Indicators of unacceptably high densities would be evident when privacy/daylighting/domination standards between the new dwellings and their relationship with the existing properties is compromised. The critical issue is whether the impacts are so significant as to be contrary to local policies and guidelines. Residents have suggested that the land forms a buffer between the existing houses that front Minffrwd Road and Minffrwd Close, providing high levels of privacy for the occupants. Based on the submitted layout it would however be possible to introduce the new units with their habitable room windows on the front and rear whilst retaining the privacy standard of 21m (14 Pentwyn Road is a detached property lying to the south of the development site). Previously, there was some concerns that the levels of privacy for the occupiers of this property would be compromised. Although the final design of the houses is not being agreed at this stage, Plot 1 is likely to have habitable room windows on the front facing Minffrwd Road and to the rear facing Minffrwd Close. Careful examination of the plan and the site circumstances confirms that the windows do not in any way directly overlook the existing habitable room windows in the aforementioned property. The juxtaposition of the two creates a reasonably acute angle which should safeguard the neighbour's privacy.

The outlook from existing properties surrounding the site will change and will be affected by the new housing. View of course cannot be protected and the distance between existing and new should ensure that no overshadowing occurs. Again, the relationship with 14 Pentwyn Road and the unusual position of its windows must be considered. From the submitted drawings, the rear elevation of Plot 1 will be set back from the side elevation of single storey extension to 14 Pentwyn Road which accommodates a door and habitable room window. At its closest, the distance separating the new house from No.14 is just over 4m (measured at an angle). The space formed by the driveway and garage and the position of the new dwelling to the north of No.14 should ensure that any overshadowing will be limited and certainly not to the extent as to warrant a refusal of planning permission.

Consideration must also be given to the living conditions of the future residents. Although a full assessment cannot be made at this stage on the basis that the scale and appearance of the dwellings are unknown, the layout does give an indication as to the levels of amenity space that will be afforded to future occupiers. Rear gardens are between 8.5m and 9.0m in length which is less than the normal 10.5m but the length is compensated by the width which exceeds 12m in all cases. Overall, the garden spaces should be sufficient to provide reasonable living conditions for the future occupiers.

Overall, the development will have some impacts on the occupiers of the existing properties on Minffrwd Road and Minffrwd Close but not to the extent that would warrant a refusal of planning permission. The requirements of national and local policy will be addressed by the development.

The potential implications of the development on the surrounding highway network, highway safety and whether sufficient parking facilities can/are being provided

The adequacy of the highway network to accommodate the development on this site have been longstanding objections that have been considered in the assessment of previous applications. Deficiencies do exist with the footway links along Minffrwd Road being intermittent resulting in pedestrians having to share the carriageway with vehicular traffic in a number of locations. Opportunities to improve are limited with existing property boundaries in this older part of Pencoed being built up to the highway. Residents suggest that the speed of traffic and parked vehicles creates an unsafe situation which will only be exacerbated by the development. This is however an existing problem which will continue irrespective of this development. The application however offers an opportunity for improvements to be made as discussed above with the provision of designated pedestrianised zones on Pentwyn Road and Minffrwd Road. The proposed works will have wider benefits and will improve the existing highway safety situation. Members should also be mindful that the site development will result in a widening of Minffrwd Road and the provision of a footway along the site frontage which should assist the movement of pedestrians and cyclists.

Again, existing problems associated with on-street parking cannot be resolved through this application and the assessment must be on whether sufficient car parking can be provided to serve the quantum of development proposed. At this stage, the size of the dwellings and the parking requirements is in unknown. A condition will however be imposed requiring the submission of a scheme that will be tested against the requirement of the Council's Parking Standards. Based on the submitted layout, sufficient space should be available to provide the required car parking. The future development is likely to see vehicles reversing onto the highway, an arrangement that has been deemed acceptable in safety terms with adequate vision being available at the respective access points.

Despite the development being widely opposed by local residents over the years, one of the benefits of the previous consented schemes was the upgrading of a section of Minffrwd Close up to the junction with Minffrwd Road. Such works were entirely reasonable previously on the basis that eight dwellings were to access the Close. Although the ownership of the 'highway' was unknown, previous developers had indicated that the required works would be undertaken. The layout submitted with this current application proposes three dwellings with vehicular access onto Minffrwd Road with only Plot 1 utilising the unmade highway. Consideration has been given to repeating the planning conditions requiring the upgrade of the 'Close' on this application. Welsh Government advice is however clear that developers will only be required to pay the cost of any highway improvements where the need is directly created by their development. They should not be required to pay for improvements to deal with existing deficiencies in the road system which would not be made worse by their proposal. On the basis that the greater part of the proposed development will affect Minffrwd Road and conditions can be imposed to prevent vehicular access to Plots 2, 3 and 4 from the 'Close', the level of improvements required under previous permissions cannot reasonably be sought again. That was accepted in the decision to grant application P/13/80/FUL.

The impact of the scheme on the natural environment

Criterion (10) of Policy SP2 of the Local Development Plan (2013) seeks to ensure that biodiversity and green infrastructure is safeguarded. This follows the approach identified in Planning Policy Wales which confirms that Planning Authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity (Section 6 duty).

Section 6(2) goes on to state that "In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular (a) diversity between and within ecosystems; (b) the connections between and within ecosystems; (c) the scale of ecosystems; (d) the condition of ecosystems (including their structure and functioning); and (e) the adaptability of ecosystems."

Regulation 9 of the Conservation of Habitats & Species Regulations 2010 requires Local Planning Authorities to take account of the presence of European Protected Species at development sites. If they are present and affected by the development proposals, the Local Planning Authority must establish whether "the three tests" have been met, prior to determining the application. The three tests that must be satisfied are:

1. That the development is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment".
2. That there is "no satisfactory alternative"
3. That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range"

The Council's Ecologist has reviewed the submitted Preliminary Ecological Appraisal and concurs with its findings. The Section 6 Recommendations contained within the Preliminary Ecological Appraisal should be included in the conditions of any approval. More details will be required on the ecological enhancements proposed for the development, such as landscaping plans, species to be replanted (including size and numbers) and the provision of bird and bat boxes within the development but these could be secured through the planning consent. Incorporating biodiversity enhancements will help contribute to the environmental sustainability of the development. Such enhancements will demonstrate local authority compliance with Section 6 of the Environment (Wales) Act 2016 that places a duty on public authorities to 'seek to maintain and enhance biodiversity' so far as it is consistent with the proper exercise of those functions.

The site does contain Common montbretia, a species listed under Part II of Schedule 9 of the Wildlife & Countryside Act (1981). Given that the development may result in spoil material being moved from site, a condition will be imposed that requires the submission of an invasive species management methodology.

Subject to the inclusion of the recommended Planning conditions, this development will be compliant with Policy ENV6 of the Local Development Plan (2013) and criterion (10) of Policy SP2.

The drainage of the site

The provision of Sustainable Drainage Systems (SuDS) must be considered as an integral part of the design of new development and considered at the earliest possible stage when formulating proposals for new development. The application form states surface water will be disposed via SUDs, but no surface water drainage layout has been provided to date. As the development exceeds the thresholds established by Welsh Government, the surface water drainage systems for this development will need to be designed and built-in accordance with standards for sustainable drainage. Such systems will need to be approved by this Council before construction work begins

Planning Policy Wales requires development proposals in sewered areas to connect foul drainage to the nearest main sewer. Dwr Cymru Welsh Water (DCWW) have confirmed that capacity exists within the public sewerage network in order to receive the domestic foul from the proposed development. Concerns expressed by residents in this regard would appear to be unjustified. DCWW have identified that part of the site is crossed by a public 3-inch water main (across the northern boundary of Plot 4). It may be possible to divert the public water main if the developer applies under Section 185 of the Water Industry Act.

A condition will be imposed requiring the agreement of a comprehensive drainage system for this site dealing with both surface water and foul drainage. Based on the information before the Council, there is a reasonable prospect that such a scheme can be designed and agreed by the relevant drainage bodies through the planning system.

Whether contributions need to be secured through a Section 106 Legal Agreement to mitigate the impact of the development and to comply with policy.

Policy SP14 of the Bridgend Local Development Plan requires applications for development to include material proposals to deal with the fair and reasonable infrastructural requirements of the development and to mitigate any negative impacts that may arise.

A development of 4 dwellings does not trigger the threshold of SPG16: Educational Facilities & Residential Development and no contribution is required. Although the proposal is for less than 5 dwellings, the site exceeds 0.15ha and as such the application triggers Policy COM5 of the LDP regarding affordable housing. This location requires 20% of the dwellings to be provided as affordable housing. As such, 1 of the units should be provided as affordable housing of an appropriate tenure or alternatively a financial contribution, to an equivalent benefit, could be sought towards off-site provision.

Policy COM11 of the LDP requires the provision of satisfactory standards of open space from all residential developments which is defined as 2.4ha per 1,000 people. BCBC's Outdoor Sport & Children's Play Space Audit (2017) indicates a deficit in provision of all forms of Outdoor Recreation Facilities in the area. The proposed development does not include open space on-site and given the scale of the development and limitations of the site, more community benefit will be realised to securing a financial contribution to improve local facilities. This will be calculated at £470 per dwelling for children's play space and £569 per dwelling towards outdoor sport facilities.

As indicated in the introduction to this report, the Managing Director of Castell Construction has confirmed that the requirements of the Agreement would render the development unviable and seeks that permission be issued without any S106 obligations. It had been wrongly assumed that the quantum of development, 4 units, was below the policy threshold and that no affordable housing was required. Policy COM5 of the Bridgend Local Development Plan (2013) (LDP) confirms that where a local need is demonstrated, an appropriate element of affordable housing will be required on sites capable of accommodating 5 or more dwellings or exceeding 0.15 hectares. The site measures 0.17 hectares and hence the policy is triggered.

Policy SP14 of the LDP requires that applications should include material proposals which deal with the fair and reasonable infrastructural requirements of the development and will include amongst other things, the provision of affordable housing, outdoor recreation, improvements to the highway network, including walking and cycling routes and public transport. The supporting text to the policy does however recognise that development costs, including the costs of implementing planning agreements, should not prejudice development that supports the Council's aspiration to see the regeneration and improvement of the Borough however, if such costs would result in a proposal being unviable, the Council may conclude that the benefits of the development outweigh the benefits of seeking to secure all the infrastructural requirements. In cases where it is claimed that development is unable to support the costs of a planning obligation such as this, the developer will need to demonstrate that a project is unviable by an open book approach. The applicant has submitted a 'Viability Analysis' that reviews predicted sales values, construction costs, finance costs, land costs and profit margins. The main headlines from the assessment are as follows:

The applicant engaged Peter Alan Estates Agent to undertake an analysis of sales values. The four dwellings would be valued at £375,000 giving a total revenue of **£1,500,000**.

Construction costs have been calculated at the national rate of £1,300 per square metre, plus contingencies, SAB requirements, sprinklers, off-site highway improvements and site drainage works giving a total of **£897,000**

Administration costs which include planning and building regs fees, warranties, S278 agreements, legal and the cost of finance come to an estimated total of **£160,340**

Land costs – the applicant has signed an option agreement for the site which is **£300,000**

The total costs for the development, (excluding Land Acquisition) = **£1,057,340**

The Viability Assessment indicates that a minimum 15-20% profit margin, is the recognised industry standard, however, it can be as high as 25% for those sites with a higher level of perceived risk. A profit margin that is too low compromises the ability to secure borrowing on a development site. In this case, a 15% profit margin against the sales values, would be expected which comes to **£225,000**

If the total costs for the development, including a profit margin, without any S106 obligation were taken from the gross development value, it would provide a return of £217,660, known as the residual land value i.e. the amount the developer is able to pay for the land. In this case, this would be below the £300,000 which is the land cost.

In the applicant's view the viability of the site is compromised without any contributions being made to affordable housing or off-site play facilities.

The Viability Appraisal has been reviewed by officers in the Strategic Planning Section and considered to be a fair representation of the revenues and costs associated with the development. The conclusion that the site would be unviable with the proposed obligations is not disputed.

The supporting text to Policy SP14 confirms that in cases where it can be demonstrated that the provision of multiple obligations is unsustainable and a prioritisation is required, the Council would assess the need for contributions on a case-by-case basis to provide a flexible approach that reflects local circumstances and need. Whilst the need for affordable housing across the whole of the County Borough is well established and is a material planning consideration in the determination of planning applications for new housing developments, the evidence submitted with this application confirms that providing only one unit of affordable housing or the equivalent financial contribution would make the whole development unviable. The monies required for the upgrading of children's play space and outdoor sports facilities in the vicinity of the application site would be considerably less but would still undermine the viability of the proposed development.

High development costs are undermining the viability of this development and they are principally coming from off-site highway and drainage works. To provide surface water drainage for this site it may be necessary to construct a new surface water sewer at a cost of approximately £50,000. Members will recall that the application would also facilitate new pedestrianised zones on Pentwyn Road and Minffrwd Road which were considered critical in addressing a number of highway safety concerns, that would benefit existing residents as well as those occupying the new houses. It is estimated that such works will cost £75,000.

Based on the information submitted, it is evident that this will not be developed if the requirement to provide contributions to affordable housing and children's play facilities is not relaxed. It could reasonably be argued that the off-site highway works that are required to make the scheme acceptable in highway policy and safety terms would have greater benefits to the immediate community than the other obligations. Furthermore, a re-prioritisation of the obligations in this case will allow this vacant plot of land to be brought forward for development.

CONCLUSION

The primary objective of Planning Policy Wales is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. It is the role of the Planning Authority to exercise its judgement and consider many and often conflicting issues to decide whether a development scheme is acceptable. The process of 'weighing up' the relevant factors often described as the 'planning balance' is challenging in respect of this particular site due to the history of consents but also its specific characterisations. The policies of the adopted Bridgend Local Development Plan (LDP) (2013) are the starting point. The broad support for the development of underused sites for housing has been part of the plan strategy at a national and local level. Such support is not however unqualified and Policy SP2 of the LDP demands a high quality of design for all development and represents the starting point for all planning applications.

Overall, it remains the case that the principle of the site being developed for housing accords with all relevant policies. Although the active travel links connecting the site to nearby facilities and amenities are not complete, the scheme offers an opportunity for improvements to be made in the form of pedestrian zones (surfacing and signage) on the highway network serving the site. Such works should ensure that a choice of transport modes will be available to existing and future residents. A safer route should encourage walking and cycling to existing public transport and wider amenities and facilities.

The development of this site has been opposed by residents for many years with the key issues being around highway safety and the impact on living conditions. As set out in the report above, there will be impacts resulting from this development but none that would indicate a fundamental conflict with policy. Conditions will be required to control the development in the interests of safeguarding living conditions and highway safety.

Impacts on biodiversity interests and site drainage have also been fully considered and again there are no statutory designations or protected species that will be affected. Indeed, the development offer an opportunity to deliver biodiversity enhancements and again these will be secured by conditions.

Finally, contributions to affordable housing and off-site open space provision will in this case be relaxed based on the high development costs associated with the required highway and drainage works.

RECOMMENDATION

(R05) That Outline planning permission be GRANTED subject to the following conditions in addition to the standard Reserved Matters conditions: -

1.	<p>The development hereby permitted shall be carried out in accordance with the following approved documents:</p> <p>Site Plan – Job Number: 1449-SK-4-01 Revision C</p> <p>Reason: For the avoidance of doubt as to the extent of the scale of development consented and to protect the amenities of both existing and future residents and in the interests of highway safety.</p>
2.	<p>No more than 4 dwellings shall be erected on the application site.</p> <p>Reason: To ensure that the final development is in accordance with the Outline submission to ensure that the impact on amenity and character of the area is acceptable and in the interests of highway safety.</p>
3.	<p>The mitigation measures set out in Chapter 6 – Recommendations of the Ecology Walkover Report by Sylvan Ecology dated 13th October 2020 shall be implemented as prescribed in the document.</p> <p>Reason: To avoid doubt and confusion as to the nature and extent of the approved development</p>
4.	<p>No development shall take place until details of the proposed floor levels of the buildings in relation to existing ground levels and the finished levels of the site have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.</p> <p>Reason: To ensure that the development relates appropriately to the topography of the site and the surrounding area.</p>
5.	<p>Notwithstanding the submitted details and before the superstructure works commence, a scheme for biodiversity enhancement, such as the incorporation of permanent bat roosting feature(s), hedgehog homes and nesting opportunities for birds, shall be submitted to and agreed in writing with the Local Planning Authority. The approved details thereafter shall be implemented, retained and maintained for their designed purpose in accordance with the approved scheme.</p> <p>The scheme shall include, but not limited to, the following details:</p> <p>i. Description, design or specification of the type of features or measures to be</p>

	<p>undertaken</p> <ol style="list-style-type: none"> ii. Materials and construction to ensure long lifespan of the feature/measure iii. A drawing showing the location and where appropriate the elevation of the features or measures to be installed or undertaken. iv. When the features or measures will be installed within the construction and occupation, of the development. <p>Reason: For the avoidance of doubt as to the extent of the permission granted and to maintain and improve the appearance of the area in the interests of visual amenity and to promote nature conservation.</p>
6.	<p>No development shall commence until an invasive non-native species protocol has been submitted to and approved in writing by the Local Planning Authority detailing the containment, control and removal of Common Montbretia on site. The agreed measures shall be carried out strictly in accordance with the approved invasive non-native species protocol and throughout the development of the site.</p> <p>Reason: To maintain and improve the appearance of the area in the interests of visual amenity and to promote nature conservation.</p>
7.	<p>No development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected and a timetable for its implementation. Development shall be carried out in accordance with the agreed plan and timetable.</p> <p>Reason: To ensure that the general amenities of the area are protected.</p>
8.	<p>No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, showing how foul, road and roof/yard water will be dealt with, including future maintenance requirements, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to beneficial use.</p> <p>Reason: To ensure that effective drainage facilities are provided for the proposed development and that flood risk is not increased.</p>
9.	<p>No development shall commence on site until a suitable infiltration test, sufficient to support the design parameters and suitability of any proposed infiltration system, has been submitted to and approved in writing by the Local Planning Authority. The approved infiltration system shall be implemented prior to beneficial use.</p> <p>Reason: To ensure that effective satisfactory management and disposal of surface water is provided for the proposed development.</p>
10.	<p>No development shall take place, including site clearance, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ul style="list-style-type: none"> • Timing and routing of construction and delivery vehicles • Provision of a temporary compound for the storage of construction materials and plant • Parking for contractor's vehicles throughout the construction • Parking of vehicles for site operatives and visitors • Wheel washing to prevent mud and debris from the construction traffic being carried out onto the existing highway network • Details of the construction works, including timescales and hours of operation • Measures to control the emission of dust and dirt during construction • The provision of temporary traffic management along Minffrwd Road

	Reason: In the interests of highway safety.
11.	<p>Notwithstanding the submitted plans, no development shall commence until a revised scheme for the provision of carriageway surface treatment and pedestrian warning signage broadly in accordance with submitted Lime Transport drawings:</p> <ul style="list-style-type: none"> • 21107.OS.103.01 Improvements to pedestrian Infrastructure along Minffrwd Road (Sheet 1 of 3) • 21107.OS.103.02 Improvements to pedestrian Infrastructure along Minffrwd Road (Sheet 1 of 3) • 21107.OS.103.03 Improvements to pedestrian Infrastructure along Minffrwd Road (Sheet 3 of 3) <p>has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be supported by a Stage 2 Road Safety Audit. The agreed scheme should be implemented in permanent materials before the occupation of the first dwelling on the site.</p> <p>Reason: In the interest of highway safety.</p>
12.	<p>No development shall commence until a scheme for the provision of an amended layby and footway arrangement fronting Plot 1/Minffrwd Road has been submitted to and agreed in writing by the Local Planning Authority. The layby and footway shall be implemented in accordance with the agreed scheme and in permanent materials prior to the commencement of construction of any of the individual properties and shall be retained as such in perpetuity.</p> <p>Reason: In the interests of highway safety.</p>
13.	<p>No development shall commence until a scheme for the treatment of the existing stone boundary wall, the proposed boundary at the south-eastern corner of Plot 1 and the intermediate land has been submitted to and agreed in writing by the Local Planning Authority. The plot boundary and proposed scheme shall be implemented as agreed prior to the commencement of construction of any of the individual properties and the boundary wall shall be retained as such in perpetuity.</p> <p>Reason: In the interests of highway safety.</p>
14.	<p>The eastern site boundary fronting Minffrwd Road shall be set back and a widened carriageway and 1.8m footway provided along the site frontage in accordance with Kennedy James Griffiths drawing 1449-SK-4-01 Rev C. The works shall be completed in permanent materials and implemented before the commencement of construction of any of the individual properties and retained as such in perpetuity.</p> <p>Reason: In the interest of highway safety.</p>
15.	<p>The northern and western site boundaries fronting Minffrwd Close shall be set back and a 1.0m verge provided along the frontage as detailed on submitted drawing in accordance with Kennedy James Griffiths drawing 1449-SK-4-01 Rev C. The works shall be implemented before the commencement of construction of any of the individual properties and shall be retained as such in perpetuity.</p> <p>Reason: In the interest of highway safety</p>
16.	<p>The junction of Minffrwd Close with Minffrwd Road shall be laid out with a 7.5m radius kerbing on the southern side of the junction together with a vision splay of 2.4m x 43m before the commencement of construction of any of the individual properties and retained as such in perpetuity.</p>

	Reason: In the interest of highway safety
17.	<p>Minffrwd Close shall be completed in permanent materials for a distance of no less than 10m from its junction with Minffrwd Road prior to the commencement of construction of any of the individual properties.</p> <p>Reason: In the interest of highway safety</p>
18.	<p>No development shall commence until a scheme for the provision of off-street parking spaces on each plot has been submitted to and approved in writing by the Local Planning Authority. The parking shall be implemented in permanent materials with any driveways at a gradient no greater than 5% (1 in 20) for the first 5 metres and thereafter not steeper than 8.3% (1 in 12) before the development is brought into beneficial use and retained for parking purposes in perpetuity.</p> <p>Reason: In the interest of highway safety.</p>
19.	<p>The individual driveways for Plots 2, 3 & 4 shall be laid out with vision splays of 2.4m x 33m in both directions before the development is brought into beneficial use and retained as such thereafter in perpetuity.</p> <p>Reason: In the interests of highway safety</p>
20.	<p>The individual driveway for Plot 1 shall be laid out with a Northerly vision splay of 2.4m x site frontage before the development is brought into beneficial use and retained as such thereafter in perpetuity.</p> <p>Reason: In the interests of highway safety</p>
21.	<p>No structure, erection or planting exceeding 0.9 metres in height above adjacent carriageway level shall be placed within the required vision splay areas at any time.</p> <p>Reason: In the interest of highway safety</p>
22.	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 or the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no vehicular access shall be permitted on the eastern boundary of Plot 1 onto Minffrwd Road.</p> <p>Reason: In the interests of highway safety.</p>
23.	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 or the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013(or any Order revoking and re-enacting that Order with or without modification) no vehicular or pedestrian accesses shall be permitted on the western boundaries of Plots 2 and 3 onto Minffrwd Close.</p> <p>Reason: In the interests of highway safety.</p>
24.	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 or the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013(or any Order revoking and re-enacting that Order with or without modification) no vehicular or pedestrian access shall be permitted on the northern and western boundaries of Plot 4 onto Minffrwd Close.</p> <p>Reason: In the interests of highway safety.</p>

25.	<p>No development shall commence on site until there has been deposited with the Local Planning Authority a Certificate from a Consulting Engineer certifying that any retaining wall to be constructed will be designed and constructed so as to prevent subsequent ground movement. Any retaining wall shall be constructed in accordance with the design and constructional details so certified and shall thereafter be retained and maintained as such in perpetuity.</p> <p>Reason: In the interests of highway safety.</p>
26.	<p>In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop and no further development shall take place until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and, where remediation is necessary, a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the Local Planning Authority within 2 weeks of the discovery of any unsuspected contamination.</p> <p>Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.</p>
27.	<p>* THE FOLLOWING IS AN ADVISORY NOTE NOT A CONDITION *</p> <p>To satisfy the conditions 8 and 9, the applicant must:</p> <ul style="list-style-type: none"> • Provide a foul and surface water drainage layout • Provide an agreement in principle from DCWW for foul disposal to the public sewer • Provide a construction management plan outlining how surface water runoff will be managed during the construction phase • Submit a sustainable drainage application form to the BCBC SAB (SAB@bridgend.gov.uk). • Provide a surface water drainage layout including the location of a soakaway • Provide infiltration tests to confirm acceptability of any proposed infiltration system in accordance with BRE 365 • Provide a plan showing locations of trial holes and at least 3 separate tests at each trial hole location • Provide information about the design calculations, storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent the pollution of the receiving groundwater and/or surface water system • Provide a timetable for its implementation; and • Provide a management and maintenance plan for the lifetime of the development and any other arrangements to secure the operation of the scheme throughout its lifetime.

**JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES**

Background Papers
None